

Applicants are directed by the Office Action to amend the disclosure to include material incorporated by reference, and to submit an affidavit or declaration stating that the amendatory material consists of the same material incorporated by reference in the referencing application.

The Indian patent reference is mentioned in line 20 of page 8, in lines 20 and 21 of page 9 and in lines 2 and 3 of page 11 of the subject specification for the sole purpose of acknowledging that a step of simultaneous degumming/dewaxing of rice bran oil to produce a sludge, thereby to isolate and recover glycolipids, is known.

On page 9, in lines 18-29 of the subject specification, it is discussed in detail that a process for simultaneous degumming/dewaxing in a single step, wherein the oil is heated and water added under stirring conditions and gums and mucilages separated as sludge by centrifugation, is known in the industry. Further, the subject specification acknowledges that the Indian patent uses the same process but adds a higher amount of water.

The present invention resides in repeating the process of the Indian patent a second time so as to obtain an additional small amount of sludge containing a considerable amount of glycolipids and treating the second sludge fraction to hexane extraction, centrifugation and lyophilization to obtain the desired glycolipids. The Examiner is respectfully directed to the first full paragraph on page 10 and lines 3-11 of page 11 of the subject specification.

The attention of the Examiner also is directed to the Examples in the subject specification in which the conditions of the first step of the degumming/dewaxing process are clearly set out followed by the remaining steps of the inventive process.

Therefore, it is not clear which essential material the applicants allegedly are attempting to incorporate by reference, since it is considered that the invention as claimed could be successfully carried out by one skilled in the art without additional disclosure

from the Indian patent. The Examiner is therefore respectfully requested to clarify this requirement, preferably by telephoning the undersigned, or to withdraw the objection.

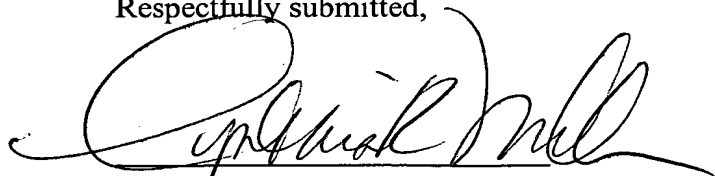
In re Hawkins, 179 USPQ 157 (CCPA 1973), cited by the Examiner, is distinguished in that the specification as filed relied on a foreign reference to provide an adequate disclosure of utility. That specification referred to processes in the foreign reference but did not set out the steps of said processes in the specification. Similarly, In re Hawkins, 179 USPQ 163 and In re Hawkins, 179 USPQ 167 (CCPA 1977) are distinguished, since it was determined by the court that that specification as filed did not enable those skilled in the art to make the necessary starting materials.

In the present case, the initial step of the claimed process, which is derived from the Indian patent, is clearly set out in the specification, as discussed above. Therefore, as the application was complete as of its filing date and therefore sufficient by itself to enable one skilled in the art to make and use the invention, it is respectfully submitted that no additional disclosure needs to be introduced into the subject specification.

It is respectfully requested that the objection to the specification be withdrawn.

A petition and fee for extension of time for three months is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia R. Miller', written over a horizontal line.

Cynthia R. Miller
LADAS & PARRY
26 West 61st Street
New York, NY 10023
Reg. No. 34,678 (212) 708-1914